

REMARKS

Claims 1-38 and 44-47 are pending in the application.

Claims 39-43 are withdrawn from consideration.

Claims 1-38 and 44-47 have been rejected.

Claims 1, 9-10, 12-13, 16-17, 19-23, 29-34, 37, 38 and 44-47 have been amended, as set forth herein.

Claims 2 and 18 have been canceled, without prejudice.

I. **CLAIM OBJECTIONS**

Independent Claims 1, 37, 38, 44, 45, 46 and 47 were objected to due to informalities. These claims have been amended to recite, generally, that a plurality of device components are logically associated in an aggregate logical device. Applicant respectfully submits that these claims are now clear and respectfully request withdrawal of the claim objections.

II. **REJECTIONS UNDER 35 U.S.C. § 103**

Claims 1-4, 6-9, 11-15, 17-38 and 44 (and 45) were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carter (US Patent No. 6,266,788) in view of Ching (US Patent No. 6,560,620). Claims 5, 10, 36, 46 and 47 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carter (US Patent No. 6,266,788) in view of Ching (US Patent No. 6,560,620) and further in view of Marchetti (US Patent No. 6,618,398). The rejections are respectfully traversed.

Applicant respectfully disagrees with the Office Action assertion that Carter discloses the invention “substantially as claimed”, except for “logically association a selection of at least one

device component.” See, Office Action, pages 3-4. In fact, Carter discloses substantially less than that claimed.

The Office Action has not identified which element of Figure 1 is equivalent to the device component(s) recited in Applicant’s claims, and thus it is unclear which plurality of components in Figure 1 of Carter are argued to be logically associated as an aggregate logical device. The Office Action further argues that Carter teaches “in an aggregate logical device” citing column 7, lines 45-50. This cited passage states:

The T.120 protocol series provides T.120-based application sharing (i.e., T.128 application-sharing layer 70 in FIG. 3), in which a user on the originating node 90 selects a particular application, from a list of shareable applications, that is intended to be shared in a read-only mode with the user on the called node 92. In this example, specifically, a two-way H.323 audio channel 94 and a T.120 application-sharing channel 96 exist over the network between the originating and the called nodes during the call in progress.

The Applicant respectfully submits that the cited passage describes application sharing between an originating node and a called node - nothing that appears remotely similar to Applicant’s claim language “logically associating a plurality of device components in an aggregate logical device.”

The passage contains no teaching of logical association, or of a logical device of any sort, much less an aggregate logical device.¹

¹ The Applicant is unable to find the word *aggregate* anywhere in the Carter reference. Nor can the Applicant find its synonyms *collective*, *collection*, *assembly*, *cluster*, *cooperative*, *amalgamation*, *array*, *compilation* and *union*. ACK or NACK response messages are described as *associated* with particular Protocol Correction messages. The methods of Carter purport to correct errors that may occur in *groups* or *sets*. However, the Applicant respectfully submits that Carter in fact contains no teaching of logically associating a selection of at least one device component in an aggregate logical device.

The Office Action also contends that Figure 4 and column 7, lines 39-49, of Carter discloses maintaining a logical model of the aggregate logical device. Figure 4 of Carter illustrates the context in which its protocol error correction method operates. See column 7, lines 16-18. The figure provides a model that Carter asserts is useful to explain some of the problems to be solved by its protocol error correction method. See column 7, lines 18-21. The figure is a logical model of two H.323-capable telephony devices connected via channels over a computer network. See column 7, lines 39-42. The channels are a two-way H.323 audio channel 94, a T.120 application-sharing channel 96, and a protocol error correction channel 98. See column 7, lines 49-57.

The Applicant respectfully submits that Figure 4 and its description are employed to illustrate an embodiment of the Carter protocol error correction method - not to illustrate maintaining a logical model of an aggregate logical device (having a plurality of device components logically associated together). Furthermore, the Applicant is unable to find description in Carter of steps taken to maintain the logical model presented in Figure 4. Moreover, there does not seem to be any description similar to Applicant's amended claim language of wherein a state of each device component within said aggregate logical device is maintained.

Finally, the Office Action states that Carter teaches providing access to a data network service by representing a selection of a device component to the service as an aggregate logical device, citing Figure 2, column 4, lines 57-64, and column 5, lines 20-45. The cited passages do not appear to disclose or mention that both of the two H.323 client devices engaged in a connection (as

shown in Figure 4) are represented to a data network service (or stand-alone service) as an “aggregate logical device.”

For these reasons, there appears to be no disclosure or description in the Carter reference that (1) the two H.323 devices/nodes of Figure 4 are logically associated in an aggregate logical device, (2) a logical model is maintained of the aggregate logical device and a state of each device component is maintained within the aggregate logical device, or (3) the plurality of device components is represented to a data network service as the aggregate logical device. See, independent Claims 1, 37, 38, 44 and 45. Thus, Carter does not disclose, teach or even suggest each and these elements/features of Applicant’s claims as identified by the Office Action.

Additionally, the Office Action concedes that Carter fails to disclose logically associating a selection of at least one device component.² See, Office Action, page 4. However, the Office Action argues that Ching discloses this element, citing column 11, lines 5-10 and column 4, line 5 to column 10, line 67, and it would be obvious to incorporate Ching’s teachings with Carter.

Ching describes a hierarchical document comparison system having a database storing contents of a first document and a second document where the documents contain segments. Ching, Abstract. The system merely compares documents and identifies the segments having differences. Ching does not appear remotely relevant to the invention claimed and described in Applicant’s present application, and there does not appear to be any valid reason or argument that Ching’s

² Applicant has amended this language in the independent claims to recite logically associating a plurality of device components in an aggregate logical device (or similar language).

teachings related to a hierarchical document comparison system should be incorporated into an inband protocol correction method within distributed object networking. Thus, the proposed combination is not well taken. Therefore, Applicant respectfully requests withdrawal of this § 103(a) rejection of Claims 1-4, 6-9, 11-15, 17-38 and 44 (and 45).

With respect to the rejection of Claims 5, 10, 16, 46 and 47, Applicant notes the third reference that forms the basis of this 103(a) rejection is United States Patent No. 6,618,398 to Marchetti. Section 103(c) provides that:

Subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Title 35, United States Code, § 103(c). See also, MPEP § 2146.

The present application is owned by Nortel Networks Limited, as evidenced by documents recorded at Reel 011348, Frame 0695 (assignment from the inventors to Nortel Networks Limited). The cited reference, US 6,618,398, shows Nortel Networks Limited as the assignee. Therefore, the present application and the cited reference were, at the time the invention was made, owned by, or subject to an obligation of assignment to, the same person. Therefore, the Marchetti reference is unavailable as prior art under section 103(a) and the Office Action fails to establish a prima facie case of obviousness. Applicant previously presented this ground of traversal in its prior response (with respect to dependent Claims 5, 10 and 16). Applicant respectfully requests withdrawal of this § 103(a) rejection of Claims 5, 10, 16, 46, and 47.

Accordingly, the Applicant respectfully requests withdrawal of the § 103 rejections of the Claims.

III. CONCLUSION

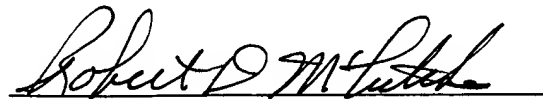
As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Munck Butrus Deposit Account No. 50-0208.

Respectfully submitted,
MUNCK BUTRUS, P.C.

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Robert D. McCutcheon
Registration No. 38,717

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3632 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *rmccutcheon@munckbutrus.com*